

APPEAL NO. 021493
FILED JULY 31, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 23, 2002. The hearing officer determined that the appellant (claimant herein) was not entitled to supplemental income benefits (SIBs) for the seventh and eighth quarters. The claimant appeals every adverse finding of fact and conclusion of law by the hearing officer. The respondent (carrier herein) replies that the decision of the hearing officer should be affirmed.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

At issue in this case is whether the hearing officer erred in determining that the claimant is not entitled to SIBs for the seventh and eighth quarters. Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). In reaching her decision, the hearing officer determined that the claimant's unemployment was a direct result of his compensable injury, but that he did not attempt in good faith to obtain employment commensurate with his ability to work. The hearing officer's direct result determination is not appealed. Whether the claimant attempted in good faith to obtain employment commensurate with his ability to work pursuant to Rule 130.102(d) is a question of fact for the hearing officer. Upon review of the record, we conclude that the hearing officer's determination that the claimant is not entitled to SIBs for the seventh and eighth quarters is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is:

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Roy L. Warren
Appeals Judge